

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 556-A

Case No. 87-19C

(PUD Modification @ 1001 New York Ave., N.W.)

September 11, 1989

By Z.C. Order No. 556 dated January 11, 1989, the Zoning Commission for the District of Columbia approved an application of the Hadid Development Corporation for consolidated review of a Planned Unit Development (PUD), pursuant to the provisions of Section 2400 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning.

The PUD approval was for the construction of a twelve-story retail/office building on various lots in Square 343 located at 1001 New York Avenue, N.W. The PUD project would have a total gross floor area of 237,848 square feet, a maximum floor area ratio (FAR) of 9.3, a maximum height of 130 feet and a maximum lot occupancy of 91.7 percent. The project would provide on-site parking to accommodate 163 cars.

As an off-site amenity, the applicant would provide sixty (60) rehabilitated and/or new off-site housing units within the boundaries of ANC-2C. The applicant would coordinate its efforts to produce the housing units with the Shaw/Coalition Redevelopment Corporation (SCRC). Forty-four (44) of the housing units would result from the rehabilitation of property at 1223 and 1229 12th Street, N.W., subject to a feasibility study by the applicant that the units can be renovated. The remaining sixteen (16) housing units would be located within a one-half mile radius of the PUD site and within the boundaries of ANC-2C. The forty-four (44) housing units at 1223 and 1229 - 12th Street, N.W., would be marketed for ownership to, and would be occupied by, families that meet the criteria for low and moderate income families, as defined by the District of Columbia Department of Housing and Community Development (DHCD).

Pursuant to 11 DCMR 3028, Z.C. Order No. 556 became final and effective upon publication in the D.C. Register on February 26, 1988. 11 DCMR 3029.5, in part, requires that a party in a proceeding file its motion for reconsideration no more than ten (10) days after an order becomes effective. Counsel for the applicant, by letter dated May 23, 1989, filed a motion for reconsideration of Z.C. Order No. 556.

The motion for reconsideration requested that the Zoning Commission waive its rules of practice procedure to allow for consideration of the substance of the motion. The motion requested the Zoning Commission to grant approval to the following modifications to Z.C. Order No. 556, without further public hearings:

1. The applicant proposes to modify the architecture of the facade of the building in order to create a more vertical, classical look. The applicant believes that the proposed changes will cause the building to look lighter, less monotonous, and lower in height;
2. The applicant proposes to modify the penthouse enclosure in order to integrate it into the building design and create a more harmonious, uniform look;
3. The applicant proposes to eliminate one floor of the project in order to obtain higher floor-to-ceiling heights. The applicant will, however, maintain the same building height;
4. The applicant proposes to decrease the height of the atrium as a result of the elimination of one floor of the project. The new atrium will be three stories in height, instead of 11 stories as originally approved; and
5. The applicant proposes 40 additional parking spaces on the B-1 level, which is currently designated on the approved plans for office or retail. The applicant indicated that the below-grade space is not appropriate for retail or office use and that parking would be the most feasible use of the space.

On June 12, 1989, at its regular monthly meeting, the Zoning Commission deferred consideration of the applicant's motion. The Commission determined that there was no evidence in the record that two parties had been served copies of the applicant's motion for reconsideration. On June 27, 1989, counsel for the applicant submitted a certification of service of the motion for reconsideration to the Logan Circle Citizens Association, and the Blagden Alley Neighborhood Association.

On July 10, 1989, at its regular monthly meeting, the Zoning Commission waived its rules of practice, and considered the applicant's motion for reconsideration.

The District of Columbia Office of Planning (OP) by memorandum dated June 12, 1989, recommended approval of the PUD

modifications without holding a public hearing. OP stated the following reasons for its recommendation:

1. "It is not unreasonable for the applicant to attempt to improve his building's marketability, and it is certainly true that the project's enhanced marketability (and leasability) is in the District's interest as well as the owner's;
2. The change to the atrium will not impact the general public because it occurs inside the building. In addition, the applicant believes that he can design a four-story lobby that will be a more positive feature than would have been the narrow, basic-in-design, 11-story atrium; and
3. The change that the public will see is the modification of the facade, which is a very positive change, but not so major as to require a public hearing. From a distance, they will also see a visual softening and integration of the penthouse into the building design."

Advisory Neighborhood Commission - 2C, by letter dated June 9, 1989, expressed no objections to the proposed modifications and urged the Zoning Commission to approve the modifications so that construction on the project could go forward.

No comments were received from the Logan Circle Citizens Association nor the Blagden Alley Neighborhood Association.

The Washington Convention Center, by letter dated June 9, 1989, supported the proposed modifications and indicated that the modifications are an improvement to the project.

The Zoning Commission concurs with the position of OP, ANC-2C and others, and believes that the proposed modifications will result in an improved building, and that the modifications are reasonable, appropriate, and will not adversely affect the interest of neighboring property owners, the neighborhood, or the ANC.

The Zoning Commission believes that the proposed modifications are in the best interest of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and are not inconsistent with the Comprehensive Plan for the National Capital.

As a matter of courtesy, the proposed action of the Zoning Commission was referred to the National Capital Planning Commission (NCPC) for review and comment. NCPC, by report dated September 7, 1989 indicated that the proposed action

of the Zoning Commission would not adversely affect the Federal establishment or other Federal interests in the National Capital or be inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of modifications to Z.C. Order No. 556, subject to the following guidelines, conditions, and standards:

1. The Planned Unit Development (PUD) modifications approve herein shall be in accordance with the plans prepared by Thomas G. Georgelas & Associates dated May 22, 1989 and a letter from the law firm of Jones Day Reavis & Pogue dated May 23, 1989, as identified as Exhibit No. 101 in the record.
2. One typical floor shall be eliminated. The approved height of the PUD project shall not be affected and shall remain the same; that is, 130 feet maximum/eleven stories.
3. The following changes to the facade shall apply (also as shown on revised drawings no. 7 and 8 of Exhibit No. 101):
 - a. The windows at the fourth floor shall be enlarged;
 - b. The horizontal bands of glass and precast on previously approved floors five through ten (excluding the eliminated floor) shall be modified so that the precast features be extended into real pilasters;
 - c. Between each pilaster shall be panels of curtain wall extending from the fifth to the eighth floor;
 - d. The heavy pillars at the 10th Street entrance shall be reduced; and
 - e. There shall be more detail on the columns of the colonnade.
4. The following changes to the penthouse shall apply (also as shown on revised drawings no. 4, 7, and 8 of Exhibit No. 101):
 - a. The penthouse enclosure shall have a sloped standing-seam metal roof, a 15 foot setback from the roof edge; and a height of 18 feet above the roof; and

- b. The floor area of the enclosure shall be 9000 square feet.
5. The following changes to the atrium shall apply (also as shown on revised drawings No. 1, 2, 3, and 9 of Exhibit No. 101:
 - a. The height of the atrium shall be reduced from eleven to three stories;
 - b. The grand room of the atrium shall be relocated from the ground floor (first level below the first floor) to the first floor; and
 - c. The detailing of the walls and ceiling of the atrium shall have finishes of pilaster, stone, wood, and ornamental metalwork.
6. The project shall have one additional level of parking, which shall provide parking for a minimum of 200 cars (also as shown on revised drawings no. 5 and 6 of Exhibit No. 121).
7. No building permit shall be issued for the site until the applicant has recorded a covenant in the land records of the District of Columbia between the owner and the District of Columbia satisfactory to the Office of Corporation Counsel and the Zoning Regulations Division of the Department of Consumer and Regulatory Affairs (DCRA). The covenant shall bind the owner and all successors in title to construct on and use of the property in accordance with this order and amendments thereto of the Zoning Commission.
8. The Zoning Secretariat shall not release the record of this case to the Zoning Regulations Division of the DCRA until the applicant has filed a certified copy of said covenant with the records of the Zoning Commission.
9. The PUD approved by the Zoning Commission shall be valid for a period of two years from the effective of this Order. Within such time, application must be filed for a building permit as specified in Sub-sections 2407.1 and 2406.8 DCMR Title 11. Construction shall start within three years of the effective date of this Order.
10. Pursuant to D.C. Code Sec. 1-2532 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the provisions of D.C. Law 2038, as amended, codified as D.C. Code, Title 1, Chapter 25, (1987), and this Order is conditioned upon full compliance with those provisions.

Nothing in this Order shall be understood to require the Zoning Regulations Division/DCRA to approve permits, if the applicant fails to comply with any provisions of D.C. Law 2-38, as amended.


Vote of the Zoning Commission taken at the public meeting on July 10, 1989: 3-1 (Maybelle Taylor Bennett, Lloyd D. Smith and John G. Parsons to approve with conditions - Lindsley Williams, opposed and George M. White, not present not voting).

The guidelines conditions and standards were approved by the Zoning Commission at the public meeting on August 7, 1989.

This order was adopted by the Zoning Commission at the public meeting on September 11, 1989 by a vote of 3-0: (Lloyd D. Smith, John G. Parsons and Maybelle Taylor Bennett, to adopt - Tersh Boasberg, not voting not having participated in the case and George M. White, not present not voting).

In accordance with the provisions of 11 DCMR 3029.8, this order shall become final and effective upon publication in the D.C. Register; that is on OCT 06 1989.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


EDWARD L. CURRY
Executive Director
Zoning Secretariat